

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
PREMRU, Rok
via de Amicis, 4
I-20052 Monza (MI)
ITALY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

| | | | |
|--|--|-------------------------------------|------------|
| | | Date of mailing (day/month/year) | 14/03/2005 |
| Applicant's or agent's file reference 0416/RP | FOR FURTHER ACTION See paragraphs 1 and 4 below | | |
| International application No. PCT/IB2004/003877 | International filing date (day/month/year) | 25/11/2004 | |
| Applicant NUOVA PANSAC S.P.A. | | | |

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no International search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the International application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for International publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an International preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for International preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|---|---|
| Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016 | Authorized officer Katja Kurzbauer |
|---|---|

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

| | | |
|---|---|---|
| Applicant's or agent's file reference 0416/RP | FOR FURTHER ACTION | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
| International application No. PCT/IB2004/003877 | International filing date (day/month/year) 25/11/2004 | (Earliest) Priority Date (day/month/year) 27/11/2003 |
| Applicant NUOVA PANSAC S.P.A. | | |
| <p>This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.</p> <p>This International Search Report consists of a total of <u>3</u> sheets.</p> <p><input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report.</p> | | |
| <p>1. Basis of the report</p> <p>a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).</p> <p>b. <input type="checkbox"/> With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.</p> <p>2. <input type="checkbox"/> Certain claims were found unsearchable (See Box II).</p> <p>3. <input type="checkbox"/> Unity of invention is lacking (see Box III).</p> <p>4. With regard to the title,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established by this Authority to read as follows:</p> | | |
| <p>5. With regard to the abstract,</p> <p><input checked="" type="checkbox"/> the text is approved as submitted by the applicant.</p> <p><input type="checkbox"/> the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.</p> <p>6. With regard to the drawings,</p> <p>a. the figure of the drawings to be published with the abstract is Figure No. <u>1</u></p> <p><input checked="" type="checkbox"/> as suggested by the applicant.</p> <p><input type="checkbox"/> as selected by this Authority, because the applicant failed to suggest a figure.</p> <p><input type="checkbox"/> as selected by this Authority, because this figure better characterizes the invention.</p> <p>b. <input type="checkbox"/> none of the figures is to be published with the abstract.</p> | | |

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB2004/003877

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 B29C55/00 B29C55/02 B32B31/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 B29C B32B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| A | EP 1 226 013 B (NUOVA PANSAC S.P.A.) 13 August 2003 (2003-08-13) cited in the application | 1-9 |
| X | ----- | 10,11 |
| X | WO 01/32116 A (KIMBERLY-CLARK WORLDWIDE, INC) 10 May 2001 (2001-05-10) claims 1-5,14 | 12,13 |
| A | WO 99/62695 A (THE GOODYEAR TIRE & RUBBER COMPANY; VARGO, RICHARD, DAVID; HUFFSTETLER) 9 December 1999 (1999-12-09) figure 1 | 11 |
| | ----- | |



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the International filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the International filing date but later than the priority date claimed

- *T* later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the International search

4 March 2005

Date of mailing of the International search report

14/03/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Attalla, G

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB2004/003877

| Patent document cited in search report | | Publication date | | Patent family member(s) | | Publication date |
|--|---|------------------|----|-------------------------|--|------------------|
| EP 1226013 | B | 31-07-2002 | IT | MI992318 A1 | | 07-05-2001 |
| | | | AT | 246986 T | | 15-08-2003 |
| | | | DE | 60004555 D1 | | 18-09-2003 |
| | | | DE | 60004555 T2 | | 17-06-2004 |
| | | | EP | 1226013 A1 | | 31-07-2002 |
| | | | ES | 2204707 T3 | | 01-05-2004 |
| | | | WO | 0132394 A1 | | 10-05-2001 |
| WO 0132116 | A | 10-05-2001 | US | 6794024 B1 | | 21-09-2004 |
| | | | AU | 772962 B2 | | 13-05-2004 |
| | | | AU | 1241001 A | | 14-05-2001 |
| | | | BR | 0015251 A | | 17-09-2002 |
| | | | CN | 1414843 A | | 30-04-2003 |
| | | | EP | 1225861 A1 | | 31-07-2002 |
| | | | JP | 2003515619 T | | 07-05-2003 |
| | | | MX | PA02004364 A | | 07-11-2002 |
| | | | WO | 0132116 A1 | | 10-05-2001 |
| | | | ZA | 200202994 A | | 16-04-2003 |
| WO 9962695 | A | 09-12-1999 | WO | 9962695 A1 | | 09-12-1999 |
| | | | AU | 7709898 A | | 20-12-1999 |
| | | | BR | 9815872 A | | 20-02-2001 |
| | | | CA | 2333102 A1 | | 09-12-1999 |
| | | | EP | 1084023 A1 | | 21-03-2001 |
| | | | JP | 2002516786 T | | 11-06-2002 |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/003877

International filing date (day/month/year)
25.11.2004

Priority date (day/month/year)
27.11.2003

International Patent Classification (IPC) or both national classification and IPC
B29C55/00, B29C55/02, B32B31/02

Applicant
NUOVA PANSAC S.P.A.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
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Authorized Officer

Attalla, G

Telephone No. +49 89 2399-6004



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. 1 Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

□ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rule 15.3 and 33.1(d)).

2. With regard to anyuncertaintysimilarityand/or difference disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material:

a sequence listing

table(s) related to the sequence listing

b. format of material:

in written form

in computer readable form

c. time of filing/transmission:

contained in the international application as filed.

filed together with the international application in computer readable form.

transmitted subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing under table relating thereto has been filed or transmitted, the relevant statements in the international application to establish the additional copies is deemed to fail in the application as filed, as applicable, were transmitted.

d. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003877

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|------|--------------|
| Novelty (N) | Yes: | Claims 1-11 |
| | No: | Claims 12,13 |
| Inventive step (IS) | Yes: | Claims 1-9 |
| | No: | Claims 10-13 |
| Industrial applicability (IA) | Yes: | Claims 1-13 |
| | No: | Claims |

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

1. The application does not meet the requirements of Art. 33(2) PCT because the subject matter of claims 12 and 13 is not novel.

1.1 Document WO-A-0132116 (D1) discloses the use of a mixture of olefins, styrenic thermoplastic elastomers and filler to produce breathable elastic film (cf. D1, claims 1 to 5).

1.2 D1, in claim 14, discloses concentration ranges of styrenic thermoplastic elastomer, filler and polyolefin which overlap the corresponding ranges disclosed in claim 13 of the present application. Therefore also the subject matter of claim 13, as appended to claim 12, is not novel over D1.

2. The application does not meet the requirements of Art. 33(3) PCT because the subject matter of claims 10 and 11 does not involve an inventive step.

2.1 Document EP-B-1226013 (D2) discloses a plant suitable for producing a breathable elastomeric polyolefin film comprising in succession (cf. D2, claim 3 and fig. 1) a bubble extruder (1), a calender for squeezing the tubular film (2), means for heating the squeezed tubular film (3,4), a calender to press the film (5), means for cooling the film (5) and means for stretching the film transversally and/or longitudinally (6,8).

The apparatus of claim 10 differs from that of D1 for additionally having means for stretch stabilisation by cooling the extruded film.

Stabilisation (or stress relaxation) of a stretched film is a conventional operation in stretch film manufacturing which, moreover, is normally performed in the same stretching apparatus (in fact the applicant has indicated the means for stabilisation with the same numerals 6 and 8 as the means for stretching). For this reasons to the subject matter of claim 10 cannot be recognised an inventive step.

2.2 The additional features of dependent claim 11 solve the problem to avoid that successive layers of rolled film stick together and the film is damaged upon unwinding (cf. description, page 6, line 22-23). The use of a release film and of the means to wind said release film as interlayer together with the film is well known in the art (cf. e.g. WO-A-9962695 (D3), fig. 1). Therefore also to the subject matter of claim 11, as appended to claim 10, cannot be recognised an inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/IB2004/003877

3. Document D2 is the closest state of the art for the method of claim 1. The subject matter of claim 1 differs from D2 for the addition of a styrenic thermoplastic elastomer to the mixture of polyolefin and filler. It is believable that the addition of the elastomer avoids rupture of the film when adapted to the surface to be covered (cf. description, page 1, line 20-21). The use of a styrenic thermoplastic elastomer in a process of the type disclosed in D2 is neither known nor suggested in the available prior art. Therefore the subject matter of claim 1 is considered to fulfil the requirements of Art. 33 PCT.
4. Claims 2 to 9 are dependent upon claim 1. Consequently their subject matter also meets the requirements of Art. 33 PCT.

Re Item VIII

1. From the description (cf. page 5, line 16-17) it is clear that the second calender presses the two film layers in order to join them together. In this way the liquid impermeability of the final film is assured (cf. description, page 4, line 13-15). Therefore the above feature is an essential feature of the invention. As such a feature is not included in the independent claims, the application does not meet the clarity requirement of Art. 6 PCT (cf. also PCT/GL/ISPE/1 5.29).